REMARKS

Claims 109-111 and 115-120 are pending and claims 1-108 and 121-171 have been canceled without prejudice. Applicants expressly reserve the right to pursue the canceled subject matter in this application or subsequent applications that claim the benefit of this application.

Applicants have amended claim 109 to delete "afflicted with paroxysmal nocturnal hemoglobinuria". The amended claims are fully supported by the specification (e.g., page 6, lines 5-10) and originally filed claim 109. Accordingly, no new matter has been introduced.

Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

DETAILED ACTION

Restriction Requirement

1-2. The Examiner has acknowledged Applicants' election of Group VI (claims 109-120) in the Response filed on November 24, 2006. Applicants have canceled the withdrawn claims without prejudice. Applicants expressly reserve the right to pursue the canceled subject matter in this application or subsequent applications that claim the benefit of this application.

Claim Rejections under 35 U.S.C. § 102

3. The Examiner has rejected claims 109-120 under 35 U.S.C. § 102(b) as allegedly being anticipated by Alexion's press release dated January 6, 2003. The Examiner alleges that Alexion's press release teaches the use of the anti-C5 antibody, eculizumab, for the treatment of subjects with paroxysmal nocturnal hemoglobinuria (PNH). The Examiner alleges that treatment of NO deficiency in PNH patients would be an inherent property of eculizumab. Applicants respectfully traverse.

Applicants have amended claim 109 to eliminate the requirement for subjects to be PNH patients. The clinical study in the cited Alexion press release was specific to treating PNH patients. The press release does not disclose that non-PNH patient populations could be treated for NO

deficiency with compounds which bind to one or more complement components, compounds which block the generation of one or more complement components and compounds which block the activity of one or more complement components as is claimed in the present application. Accordingly, the press release fails to anticipate the claimed subject matter either explicitly or inherently.

The standard for anticipating a claim is clearly outlined in MPEP 2131, and this standard is further supported by the Courts. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1978). "The identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In sum, Alexion's press release does not disclose all the limitations of the present claims as amended and thus fails to anticipate the claimed subject matter. Reconsideration and withdrawal of this rejection under 35 U.S.C. § 102(b) are respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. If an additional fee is due, please charge our Deposit Account No. 18-1945, under Order No. **ALXN-P01-114** from which the undersigned is authorized to draw.

Dated: January 10, 2008

Respectfully submitted,

By _____

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